

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-284-FDW**

BRIAN K. LEWIS,)
Plaintiff,)
vs.)
NORTH CAROLINA DEPARTMENT OF)
PUBLIC SAFETY, et al.,)
Defendants.)

ORDER

THIS MATTER is before the Court on Plaintiff Lewis' Response to Defendant Uhren's Motion for Summary Judgment, (Doc. No. 76), in which he seeks voluntary dismissal without prejudice.

Plaintiff Lewis and Defendants have been provided the opportunity to object to the Court’s characterization of Plaintiff Lewis’ Response as a Motion for Voluntary Dismissal Without Prejudice. (Doc. No. 80). Neither Plaintiff Lewis nor any Defendant has objected and the deadline to respond has expired. Plaintiff Lewis’ Response is therefore construed as a Motion for Voluntary Dismissal Without Prejudice, and is granted.

The pending Motions for Summary Judgment filed by Defendants D'Amico and Uhren alleging that Plaintiff Lewis failed to exhaust his administrative remedies, (Doc. Nos. 62, 81), will be denied as moot.

IT IS THEREFORE ORDERED that:

1. Plaintiff Lewis's *pro se* Response, (Doc. No. 76), is construed as a Motion for Voluntary Dismissal, and is **GRANTED**.

2. Defendants Uhren and D'Amico's Motions for Summary Judgment, (Doc. Nos. 62, 81), are **DENIED** as moot.
3. The Clerk is instructed to terminate this action as to Plaintiff Lewis.

Signed: June 12, 2018



Frank D. Whitney
Chief United States District Judge

